

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02388-CRC**

AMERICAN FEDERATION OF TEACHERS et al v. U.S.
DEPARTMENT OF EDUCATION
Assigned to: Judge Christopher R. Cooper
Cause: 05:552 Freedom of Information Act

Date Filed: 10/17/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN FEDERATION OF
TEACHERS**

represented by **Benjamin M. Seel**
DEMOCRACY FORWARD
FOUNDATION
P.O. Box 34553
Washington, DC 20043
(202) 701-1793
Email: bseel@democracyforward.org
ATTORNEY TO BE NOTICED

Josephine T. Morse
U.S. HOUSE OF REPRESENTATIVES
Office of General Counsel
219 Cannon House Office Building
Washington, DC 20515
(202) 225-9700
Email: jodie.morse@mail.house.gov
TERMINATED: 05/01/2019

Plaintiff

**GIFFORDS LAW CENTER TO
PREVENT GUN VIOLENCE**

represented by **Benjamin M. Seel**
(See above for address)
ATTORNEY TO BE NOTICED

Josephine T. Morse
(See above for address)
TERMINATED: 05/01/2019

Plaintiff

**SOUTHERN POVERTY LAW
CENTER**

represented by **Benjamin M. Seel**
(See above for address)
ATTORNEY TO BE NOTICED

Josephine T. Morse
(See above for address)
TERMINATED: 05/01/2019

V.

Defendant

**U.S. DEPARTMENT OF
EDUCATION**

represented by **Derek S. Hammond**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2511
Fax: (202) 252-2599
Email: derek.hammond@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Benton Gregory Peterson
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2534
Fax: (202) 252-2599
Email: benton.peterson@usdoj.gov
TERMINATED: 08/26/2019

Date Filed	#	Docket Text
10/17/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF EDUCATION (Filing fee \$ 400 receipt number 0090-5742536) filed by AMERICAN FEDERATION OF TEACHERS, SOUTHERN POVERTY LAW CENTER, GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons)(Morse, Josephine) (Entered: 10/17/2018)
10/17/2018	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN FEDERATION OF TEACHERS (Morse, Josephine) (Entered: 10/17/2018)
10/17/2018	<u>3</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE (Morse, Josephine) (Entered: 10/17/2018)
10/17/2018	<u>4</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by SOUTHERN POVERTY LAW CENTER (Morse, Josephine) (Entered: 10/17/2018)
10/22/2018		Case Assigned to Judge Christopher R. Cooper. (zmd) (Entered: 10/22/2018)
10/22/2018	<u>5</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF EDUCATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 10/22/2018)
11/02/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/24/2018. (Answer due for ALL FEDERAL DEFENDANTS by 11/23/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/29/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF EDUCATION served on 10/23/2018 (Attachments: # <u>1</u> Declaration)(Morse, Josephine) Modified on 11/6/2018 (ztd). Modified on 11/7/2018 (ztd). (Entered: 11/02/2018)
11/06/2018		DISREGARD THIS NOTICE OF ERROR re <u>6</u> Summons Returned Executed in FOIA as to U.S. Attorney; emailed to jmorse@democracyforward.org , cc'd 0 associated attorneys --- The PDF file you docketed contained errors: 1. Please refile document, 2. Documents need to be refiled along with the proofs of service. (ztd,) Modified on 11/7/2018 (ztd). (Entered: 11/06/2018)
11/07/2018		Set/Reset Deadlines: Answer due by 11/23/2018, (ztd) (Entered: 11/07/2018)
11/21/2018	<u>7</u>	ANSWER to Complaint by U.S. DEPARTMENT OF EDUCATION.(Peterson, Benton) (Entered: 11/21/2018)
11/21/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ordered that the parties promptly confer and file a joint proposed schedule for briefing or disclosure by December 11, 2018. Signed by Judge Christopher R. Cooper on 11/21/2018. (lccrc2) (Entered: 11/21/2018)
11/21/2018		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 12/11/2018 (lsj) (Entered: 11/21/2018)

12/11/2018	<u>8</u>	Joint STATUS REPORT by AMERICAN FEDERATION OF TEACHERS, GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE, SOUTHERN POVERTY LAW CENTER. (Morse, Josephine) (Entered: 12/11/2018)
12/12/2018		MINUTE ORDER: In light of the parties' <u>8</u> joint status report, the parties shall file an updated joint status report on or before December 21, 2018, in which they should advise the Court of the volume of responsive records and a schedule for production. Signed by Judge Christopher R. Cooper on 12/12/2018. (lccrc2) (Entered: 12/12/2018)
12/13/2018		Set/Reset Deadlines: Joint Status Report due by 12/21/2018 (lsj) (Entered: 12/13/2018)
12/21/2018	<u>9</u>	Joint STATUS REPORT by AMERICAN FEDERATION OF TEACHERS, GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE, SOUTHERN POVERTY LAW CENTER. (Morse, Josephine) (Entered: 12/21/2018)
12/24/2018		MINUTE ORDER: In light of the parties' <u>9</u> joint status report, the parties shall file an updated joint status report on or before January 9, 2019, to include the volume of responsive records and a schedule for production. Signed by Judge Christopher R. Cooper on 12/24/2018. (lccrc2) (Entered: 12/24/2018)
12/26/2018		Set/Reset Deadlines: Joint Status Report due by 1/9/2019 (lsj) (Entered: 12/26/2018)
01/07/2019	<u>10</u>	Consent MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/07/2019)
01/08/2019		MINUTE ORDER granting <u>10</u> Motion to Stay and Motion for Extension of Time. All deadlines in the case shall be stayed pending renewed funding. Filing deadlines shall be extended commensurate with the calendar day duration of the lapse in appropriations. Signed by Judge Christopher R. Cooper on 1/8/2019. (lccrc2) (Entered: 01/08/2019)
02/01/2019		MINUTE ORDER: In light of the restoration of appropriations, the stay in this case is lifted. The parties shall provide a joint status report on or before February 8, 2019, which shall include a proposed schedule for future proceedings. Signed by Judge Christopher R. Cooper on 2/1/2019. (lccrc2) (Entered: 02/01/2019)
02/05/2019		Set/Reset Deadlines: Joint Status Report due by 2/8/2019 (lsj) (Entered: 02/05/2019)
02/08/2019	<u>11</u>	Joint STATUS REPORT by AMERICAN FEDERATION OF TEACHERS, GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE, SOUTHERN POVERTY LAW CENTER. (Morse, Josephine) (Entered: 02/08/2019)
02/09/2019		MINUTE ORDER: The parties shall file an updated joint status report on or before February 15, 2019. Signed by Judge Christopher R. Cooper on 2/9/2019. (lccrc2) (Entered: 02/09/2019)
02/11/2019		Set/Reset Deadlines: Joint Status Report due by 2/15/2019 (lsj) (Entered: 02/11/2019)
02/15/2019	<u>12</u>	Joint STATUS REPORT by AMERICAN FEDERATION OF TEACHERS, GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE, SOUTHERN POVERTY LAW CENTER. (Morse, Josephine) (Entered: 02/15/2019)
02/22/2019		MINUTE ORDER: Upon consideration of the parties' positions in <u>12</u> the joint status report, the parties shall file an updated joint status report on or before March 8, 2019, and Defendant shall make the previously agreed-to initial by-hand document production on or before March 8, 2019. Signed by Judge Christopher R. Cooper on 2/22/2019. (lccrc2) (Entered: 02/22/2019)
02/25/2019		Set/Reset Deadlines: Joint Status Report due by 3/8/2019 (lsj) (Entered: 02/25/2019)
03/01/2019	<u>13</u>	NOTICE of Appearance by Derek S. Hammond on behalf of All Defendants (Hammond, Derek) (Entered: 03/01/2019)
03/08/2019	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF EDUCATION. (Hammond, Derek) (Entered: 03/08/2019)
03/11/2019		MINUTE ORDER: In light of <u>14</u> the parties' joint status report, the parties shall file an updated joint status report on or before May 10, 2019. Signed by Judge Christopher R. Cooper on 3/11/2019. (lccrc2) (Entered: 03/11/2019)

03/11/2019		Set/Reset Deadlines: Joint Status Report due by 5/10/2019 (lsj) (Entered: 03/11/2019)
04/24/2019	<u>15</u>	NOTICE of Appearance by Benjamin M. Seel on behalf of All Plaintiffs (Seel, Benjamin) (Entered: 04/24/2019)
05/01/2019	<u>16</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN FEDERATION OF TEACHERS, GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE, SOUTHERN POVERTY LAW CENTER. Attorney Josephine T. Morse terminated. (Morse, Josephine) (Entered: 05/01/2019)
05/10/2019	<u>17</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF EDUCATION. (Hammond, Derek) (Entered: 05/10/2019)
05/10/2019		MINUTE ORDER: In light of the parties' joint status report, the parties shall file an updated joint status report on or before July 10, 2019. Signed by Judge Christopher R. Cooper on 5/10/2019. (lccrc2) (Entered: 05/10/2019)
05/13/2019		Set/Reset Deadlines: Joint Status Report due by 7/10/2019 (lsj) (Entered: 05/13/2019)
07/10/2019	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF EDUCATION. (Hammond, Derek) (Entered: 07/10/2019)
07/12/2019		MINUTE ORDER: In light of the parties' previous joint status report, the parties shall provide an updated joint status report on or before August 10, 2019. Signed by Judge Christopher R. Cooper on 7/12/2019. (lccrc2) (Entered: 07/12/2019)
07/15/2019		Set/Reset Deadlines: Joint Status Report due by 8/10/2019 (lsj) (Entered: 07/15/2019)
08/09/2019	<u>19</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF EDUCATION. (Hammond, Derek) (Entered: 08/09/2019)
08/09/2019		MINUTE ORDER: In light of the parties' <u>19</u> most recent joint status report, the parties are hereby ordered to provide an updated joint status report on or before September 10, 2019. Signed by Judge Christopher R. Cooper on 8/9/2019. (lccrc2) (Entered: 08/09/2019)
08/19/2019		Set/Reset Deadlines: Joint Status Report due by 9/10/2019 (lsj) (Entered: 08/19/2019)
08/26/2019	<u>20</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to U.S. DEPARTMENT OF EDUCATION. Attorney Benton Gregory Peterson terminated. (Peterson, Benton) (Entered: 08/26/2019)
09/10/2019	<u>21</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF EDUCATION. (Hammond, Derek) (Entered: 09/10/2019)
09/11/2019		MINUTE ORDER: In light of <u>21</u> Joint Status Report, the parties are hereby ORDERED to file a joint status report by October 11, 2019. Signed by Judge Christopher R. Cooper on 9/11/19. (lccrc2) (Entered: 09/11/2019)
09/11/2019		Set/Reset Deadlines: Joint Status Report due by 10/11/2019 (lsj) (Entered: 09/11/2019)
10/11/2019	<u>22</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF EDUCATION. (Hammond, Derek) (Entered: 10/11/2019)
10/16/2019		MINUTE ORDER: The parties are directed to file their next joint status report on or before November 12, 2019. As it appears from the parties' latest <u>22</u> Joint Status Report that production is complete, the next status report shall advise the Court whether any disputes remain and, if so, propose a summary judgment briefing schedule. Signed by Judge Christopher R. Cooper on 10/16/19. (lccrc2) (Entered: 10/16/2019)
10/16/2019		Set/Reset Deadlines: Joint Status Report due by 11/12/2019 (lsj) (Entered: 10/16/2019)
11/12/2019	<u>23</u>	Joint STATUS REPORT by AMERICAN FEDERATION OF TEACHERS, GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE, SOUTHERN POVERTY LAW CENTER. (Seel, Benjamin) (Entered: 11/12/2019)
11/14/2019		MINUTE ORDER: In light of <u>23</u> the parties' latest joint status report, the parties are directed to file a joint status report by December 12, 2019, which shall include an update on the status of production and, if production is complete and the parties determine that disputes remain, a joint proposed briefing schedule. Signed by Judge

		Christopher R. Cooper on 11/14/19. (lccrc2) (Entered: 11/14/2019)
11/14/2019		Set/Reset Deadlines: Joint Status Report due by 12/12/2019 (lsj) (Entered: 11/14/2019)